U.S. Department of Justice



United States Attorney Eastern District of New York

SLT:DMP F.#2013R00887 271 Cadman Plaza East Brooklyn, New York 11201

July 19, 2013

By ECF and Hand Delivery

The Honorable Allyne R. Ross United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

Re: United States v. David Olukayode Ojo Criminal Docket No. 13-334 (ARR)

Dear Judge Ross:

The government respectfully submits this letter to respond to two $\underline{\text{pro}}$ $\underline{\text{se}}$ motions filed by the defendant David Ojo on July 9 and July 16, 2013. As set forth below, the government respectfully submits that these motions should be denied.

As an initial matter, a defendant who is represented by counsel, as the defendant is in the instant case, has no right to have a pro se motion entertained by the Court. See, e.g., United States v. Bishop, No. 10-CR-113 (DLI), 2010 WL 984676, at *1 (E.D.N.Y. March 16, 2010) ("Absent invocation of the right to represent oneself without the assistance of counsel, defendants are not entitled to have pro se motions entertained by the court.") (citation omitted). Accordingly, the Court need not entertain these motions. Should the Court consider these motions in any event, they should be denied as without merit.

In the first <u>pro</u> <u>se</u> motion, filed on July 9, 2013, the defendant requests a bill of particulars. During the parties' most recent status conference on June 21, 2013, Mr. Savitt made an oral motion on the defendant's behalf for a bill of particulars. The Court denied that motion, noting that it saw no basis for granting such a request. The defendant's <u>pro</u> <u>se</u> motion provides no additional legal or factual basis for such a request. Accordingly, the government does not intend to submit a substantive response to this motion, and respectfully requests that the motion again be denied.

In the second <u>pro</u> <u>se</u> motion, filed on July 16, 2013 (in the 11-CR-570 docket), the defendant moves to compel production of materials pursuant to Rule 16 of the Federal Rules of Criminal Procedure. The government has provided materials pursuant to Rule 16 and continues to provide such materials as it receives them. To the extent the motion also requests materials pursuant to Brady v. Maryland, 373 U.S. 83 (1963), the government is not currently aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady and its progeny.

Respectfully submitted,

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By: /s/
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cc: Ephraim Savitt, Esq. (by ECF)